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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,061	07/23/2001	Yihsiu Chen	2001-0056	3217
7590		12/16/2004	EXAMINER	
Samuel H. Dworketsky		PATEL, DHAIRYA A		
AT&T CORP.		ART UNIT		
P.O. Box 4110		PAPER NUMBER		
Middletown, NJ 07748-4110		2151		

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/911,061

Applicant(s)

CHEN ET AL.

Examiner

Dhairya A Patel

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-25 is/are pending in the application.
- 4a) Of the above claim(s) 1-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/13/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Application # 09/911061 was filed on 7/23/2001. Claims 1-25 are subject to examination.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-21 are drawn to method authenticating at least one of said client devices seeking to access VPN, sending at least one menu from a GUI server at NIU to authenticated client devices, receiving at least a first message reflecting at least one selection at least one of said authenticated client devices from said at least one menu classified in class 711, subclass 229.
- II. Claims 22-25, are drawn to the method comprising receiving data packets from said devices by way of said LANs, multiplexing said data packets into at least one packet data stream, modifying said packet data streams in a security server in accordance with a secure communications protocol by encrypting packets in said data streams and encapsulating resulting encrypted packets, providing network destination address information from a DNS server for at least selected ones of said data streams classified in class 711, subclass 231.

The inventions are distinct, each from the other because of the following reasons:
Inventions I and II are unrelated. In the instant case the different inventions as group I claims 1-11 are directed to method authenticating at least one of said client devices

seeking to access VPN, sending at least one menu from a GUI server at NIU to authenticated client devices, receiving at least a first message reflecting at least one selection at least one of said authenticated client devices from said at least one menu, lacking a method comprising multiplexing said data packets into at least one packet data stream, modifying said packet data streams in a security server in accordance with a secure communications protocol by encrypting packets in said data streams and encapsulating resulting encrypted packets, providing network destination address information from a DNS server for at least selected ones of said data streams.

These inventions are distinct for the reasons given above and the search required for each group is different and not co-extensive for examination purpose. For example, the searches for the two inventions would not be co-extensive because these groups would require different searches on PTO's classification class and subclass as following:

(a) the group I search (claims 1-21) would require use of search class 709, subclass 229 (not require for the invention)

(b) the group II search (claims 22-25) would require use of search class 709, subclass 231 (not require for the invention)

During a telephone conversation with Samuel H. Dworetsky on 12/6/2004 a provisional election was made without traverse to prosecute the invention of Group II claims 22-25. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-21 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Double Patenting

Claims 22-25 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 17-20 of copending Application No. 09/910,987 in view of Chen et al.

As per claims 22-25, they are rejected under obviousness-type double patenting because the limitations in claims 22-25 are similar to the limitations in claims 17-20 of co-pending application # 09/910,987.

This is a provisional obviousness-type double patenting rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 22-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Forslow et al. U.S. Patent Publication # 2002/0069278 (hereinafter Forslow).

2. As per claim 22, Forslow teaches a method practiced at a network interface unit (NIU) (Fig. 3 element 38) for communicating data packets over a non-secure network between client devices (Fig. 3 element 20) on at least one local area network (LAN) and at least one access node of a secure virtual private network (VPN)(Fig. 3 element 18), the method comprising

- receiving data packets from said devices by way of said LANs,(Paragraph 95 lines 1-7). The reference teaches receiving packets from the router(LAN).

- multiplexing said data packets into at least one packet data stream (Paragraph 95 lines 1-7),

- modifying said packet data streams in a security server in accordance with a secure communications protocol by encrypting packets in said data streams and encapsulating resulting encrypted packets, (Paragraph 93 lines 1-31)

The reference teaches the communications will be authenticated by encrypting the packets.

- providing network destination address information from a DNS server for at least selected ones of said data streams. (Paragraph 93 lines 1-31) (Paragraph 99 lines 11-14)

3. As per claim 23, Forslow teaches the method of claim 22 wherein said modifying said packet data streams in a security server comprises modifying said packet streams in an IPsec server. (Paragraph 93 lines 25-31). It is inherent that since the packets are going to authenticated/encrypted using IPSec protocol they are going to be modified in an IPSec server.

4. As per claim 24, Forslow teaches the method of claim 23 further comprising

-receiving at least one stream of data packets from said non-secure network,

(Paragraph 95 lines 1-7)

-filtering out packets in said streams of received packets that are not from said

VPN network, said filtering being performed by a firewall in said security server,

(Paragraph 106 lines 1-29)

-modifying said packets in said at least one stream by decrypting said packets in

said at least one received data stream and decapsulating resulting decrypted packets,

said decrypting and decapsulating being performed by said security server, (Paragraph

132 lines 1-13)

-demultiplexing said at least one stream of received data packets to form at least

one demultiplexed stream of data packets for delivery to said at least one LAN.

(Paragraph 132 lines 1-13)

5. As per claim 25, Forslow teaches the method of claim 24 further comprising

-authenticating client devices on said at least one LAN, and (Paragraph 88 lines

14-22)

-wherein packets from authenticated client devices on said at least one LAN that

are received at said network interface device are processed as packets received from

said VPN. (Paragraph 95 lines 1-8). It is inherent since the packets are received from

network interface device, which is also connected to the VPN, and packets are sent

from VPN (Fig. 3).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A). "Network Based Mobile WorkGroup System" by Forsl et al. U.S. Patent Publication # 2002/0069278.

7. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the applicant (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

8.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhairya A Patel whose telephone number is (571) 272-4066. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ZARNI MAUNG
PRIMARY EXAMINER